

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 AT SEATTLE

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AT SEATTLE
 CLERK U.S. DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 BY _____ DEPUTY

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

Case CR02-209R

EDWARD DARRELL KOPLIN,)

Defendant.)

ORIGINAL

PLEA

on November 26, 2002, before the Honorable Ricardo S. Martinez,
 United States Magistrate Judge, at the United States Courthouse,
 Seattle, Washington.

Appearances of Counsel:

On Behalf of Plaintiff:

BRUCE MIYAKE

ILENE MILLER

Assistant U.S. Attorneys

On Behalf of Defendant:

MICHAEL FILIPOVIC

Ass't Federal Public Defender

Sue Palmerton

Official Court Reporter

(206) 553-1899

CR 02-00209 #00000064

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1 Seattle, Washington; Tuesday, November 26, 2002; 3:05 p.m.

2 THE COURT: Thank you. Please be seated. All right,
3 counsel, I believe we're here in the matter of United States
4 versus Edward Darrell Koplin, criminal cause number 02-209
5 assigned to Judge Rothstein. Present on behalf of the
6 government for this anticipated felony plea, Ms. Ilene Miller,
7 Bruce Miyake. Michael Filipovic on behalf of Mr. Koplin.

8 Mr. Koplin, good afternoon.

9 THE DEFENDANT: Yes, sir. How are you today?

10 THE COURT: Mr. Koplin, I've reviewed the documents
11 that have been prepared here by the attorneys. I've reviewed
12 the legal file. It appears to me that you are here intending to
13 enter pleas of guilty to two separate felony counts. Is that
14 your understanding?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: I assume you've discussed this matter very
17 carefully and very closely with your counsel?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: I assume you're here acting on his advice,
20 his recommendation?

21 THE DEFENDANT: Yes, I am.

22 THE COURT: Do you understand that that's exactly his
23 job, that is his role, to give you advice, to make a
24 recommendation?

25 THE DEFENDANT: Yes, I do.

1 THE COURT: However, do you understand that the
2 consequences of pleading guilty will fall on you, not on him?
3 Therefore, he can't decide this. You are the only one that can
4 make the decision to waive your right to have the government
5 prove these charges and enter a plea of guilty. Do you
6 understand that?

7 THE DEFENDANT: I do understand that. Can I ask him a
8 question?

9 THE COURT: Absolutely.

10 MR. FILIPOVIC. Your Honor, before we proceed, I'll
11 just put one thing on the record. I don't think the government
12 would have any objection.

13 This is a conditional plea which allows Mr. Koplin to go
14 forward with an appeal of a denial of a motion to suppress
15 evidence. And Mr. Koplin just wanted to make sure that Your
16 Honor was aware of that.

17 THE DEFENDANT: Thank you.

18 THE COURT: Yes, sir. In fact, we'll go through the
19 entire plea agreement in detail.

20 THE DEFENDANT: Okay. Fine.

21 THE COURT: Do you understand?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. Let me tell you how we will
24 proceed. Let me tell what your role is during this hearing.
25 I need to ask you a series of questions. The questions are

1 designed to make sure that you do understand the nature of the
2 charges you're pleading guilty to, the rights that you give up
3 by asking the Court to accept your plea, the agreement that
4 you're reaching with the United States Government, including the
5 district out of Utah, and the potential consequences of this
6 particular plea.

7 So, as we go through the question and answer session, if you
8 have any questions for your counsel, for government counsel or
9 myself, this would be the time to ask those questions. Is that
10 understood?

11 THE DEFENDANT: Thank you.

12 THE COURT: I want to advise you one other thing. We
13 will swear you in before we begin the formal question and answer
14 session. What that means is you are swearing to tell the truth
15 If you were to deliberately give false responses, that could be
16 the basis for another future charge of either making a false
17 statement or even perjury. Is that understood?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. Mr. Koplin, if you wish to
20 proceed with the plea, let me have you stand, raise your right
21 hand. Our clerk will administer the oath.

22 (The defendant was sworn.)

23 THE COURT: All right, Mr. Koplin, let me ask some
24 questions first of all about you, your background. The caption
25 indicates your name is Edward Darrell Koplin. Is that your true

1 and correct name?

2 THE DEFENDANT: Senior

3 THE COURT: Senior, thank you. What is your date of
4 birth, sir?

5 THE DEFENDANT: 7/2/34.

6 THE COURT: How much formal education have you
7 completed?

8 THE DEFENDANT: I believe it's about 18 years.

9 THE COURT: I'm assuming you are able to read and write
10 in English?

11 THE DEFENDANT: Yes.

12 THE COURT: I have a consent form, sir. I have a
13 lengthy plea agreement in this matter. Have you reviewed these
14 documents for yourself?

15 THE DEFENDANT: Yes.

16 THE COURT: Did you go over them with your counsel?

17 THE DEFENDANT: Yes. We're just in the middle of the
18 second time for me, but yes, we went over them a little while
19 ago.

20 THE COURT: Are you satisfied you understand everything
21 that is contained within these documents?

22 THE DEFENDANT: I'm satisfied I understand. I'm
23 praying that, of course, we get the new trial or whatever
24 they're going to call that, to get the suppression motion.

25 THE COURT: I understand that. The question I have

1 for you is do you understand what this is?

2 THE DEFENDANT: Yes.

3 THE COURT: Have you ever been treated for any type of
4 mental illness or any addiction to narcotic drugs?

5 THE DEFENDANT. No.

6 THE COURT: Within the last day or two, 28 to 48 hours,
7 have you taken any type of drug any prescription --

8 THE DEFENDANT: No.

9 THE COURT: -- any prescription medication, any
10 alcohol, anything that might affect your ability to understand
11 what we're discussing today?

12 THE DEFENDANT: No, it won't affect my ability.

13 THE COURT: What did you take?

14 THE DEFENDANT. Well, I am -- I have high blood
15 pressure. I don't know if you want the pill names. They
16 changed them all since I got here.

17 THE COURT: You're taking medication for your high
18 blood pressure?

19 THE DEFENDANT. For high blood pressure. I have COPD,
20 if you're familiar with that. And I take Coumadin for that.
21 And I bleed easily. I take 14 pills. I'm sitting there trying
22 to think what the hell they all are.

23 THE COURT: Let me explain to you. The only reason I'm
24 asking this is because this is a highly critical portion of this
25 entire prosecution for you. You're going to be waiving certain

1 very important rights. I need make to sure that there is
2 nothing affecting your ability to understand what it is we're
3 discussing here today.

4 THE DEFENDANT: Okay.

5 THE COURT. As far as I can tell, you understand you're
6 in a courtroom. You understand you're answering questions being
7 put to you from the Court. You understand you're under oath.
8 You understand how important all this proceeding is.

9 THE DEFENDANT: Yes, I do. I also have diabetes I
10 take two or three pills for that. I can't tell you exactly the
11 names of them right now. I take the Coumadin for the COPD.
12 And I have atrial fibrulation of my heart.

13 THE COURT: Mr. Koplin, that's all right. I'm
14 satisfied that --

15 THE DEFENDANT: Okay. But I don't believe there's
16 anything there that will affect my ability.

17 THE COURT. All of your responses have been
18 appropriate. You understand everything that is going on. I'm
19 satisfied.

20 THE DEFENDANT: Okay. Thank you.

21 THE COURT: Let me get to the documents that are in
22 front of me. The first document is this consent form. And the
23 reason I bring this up first is because this document advises
24 you that it is your absolute right if you wish to have this
25 entire hearing that we're doing right now held before the

1 assigned district judge. In this case, Judge Rothstein.
2 However, it is one of your rights, you can consent, you can
3 agree to stay here and do the hearing in front of me.

4 The document concludes by advising you that ultimately it
5 will be Judge Rothstein who decides whether to accept or reject
6 the pleas here. Assuming she accepts them, she'll be the one
7 that imposes sentence. Do you understand?

8 THE DEFENDANT: I do.

9 THE COURT: Now let's go over the plea agreement in
10 detail, sir. Do you have a copy in front of you? Turn back to
11 the front, page 1 And you see where it says there paragraph 1,
12 the charges?

13 THE DEFENDANT: Uh-huh.

14 THE COURT: Says that you as the defendant, after
15 having been advised of your right to have this matter tried
16 before a jury, you agree to waive or give up that right and
17 enter a plea of guilty to the following charges contained in the
18 second superseding indictment. That is the charging document in
19 the legal file. By entering this plea, you would be waiving
20 objections to the form of the charging documents.

21 Now, count 1 is coercion and enticement in violation of
22 Title 18, United States Code, Section 2422(a). Count 2 is
23 transportation of a minor in violation of Title 18, Section
24 2423(a).

25 Do you understand those are the two counts you would be

1 pleading guilty to?

2 THE DEFENDANT: Yes.

3 THE COURT: Paragraph 2 sets out the elements of these
4 offenses. In other words, what the government would have to
5 prove beyond any reasonable doubt to the satisfaction of the
6 unanimous jury if you wanted before they could get a conviction
7 for either of these charges.

8 All right, for count 1, they would have to prove that you
9 knowingly persuaded, induced, enticed or coerced an individual
10 to travel in interstate commerce. And secondly, that you did so
11 to engage in sexual activity for which that person can be
12 charged with a criminal offense.

13 Now, the elements for transportation of a minor as charged
14 in count 2 are as follows. First, that you knowingly
15 transported Jane Doe from Salt Lake City, Utah, to Kent,
16 Washington. You did so with the intent that Jane Doe engage in
17 any sexual activity for which any person can be charged with a
18 criminal offense.

19 And finally, that Jane Doe was under the age of 18 years of
20 age at that particular time. Do you understand the elements of
21 these two charges?

22 THE DEFENDANT: Yes.

23 THE COURT: Paragraph 3 sets out the maximum statutory
24 penalties the court can impose for these two violations. Now,
25 remember Judge Rothstein is the assigned district court judge

1 She can impose up to the maximum potential penalty. Obviously
2 she can impose something less than that, too. But because she
3 can impose the maximum, you need to know what those maximums can
4 be

5 For both of those counts, counts 1 and 2, a fine of up to
6 \$250,000 can be imposed, up to three years of supervised release
7 following release from custody, and there is a mandatory \$100
8 penalty assessment for each count for a total of 200 for both
9 counts. Do you understand?

10 THE DEFENDANT: Uh-huh, I do.

11 THE COURT: In terms of imprisonment, the count 1,
12 coercion and enticement, can be up to ten years. For count 2,
13 the transportation, that can be up to 15 years.

14 You're agreeing that the penalty assessments, those are the
15 \$100 penalty assessments, should be paid at or before the time
16 of sentencing.

17 You're also agreeing that any monetary penalties imposed by
18 the court -- that includes assessments or fines or restitution,
19 whatever -- would be due and payable immediately.

20 You further agree to submit a completed financial statement
21 of debtor form as requested by the U.S. Attorney's office.

22 And finally, it says here that you understand that that
23 period of supervised release that we discussed is a period of
24 time during which you would be subject to certain restrictions
25 and requirements. So, if you were to violate any of those

1 conditions that were imposed, you could be returned to prison or
2 custody for all or part of the term of supervised release that
3 was originally imposed.

4 And that could technically result in your serving a total
5 term of imprisonment greater than the statutory maximum we've
6 just reviewed.

7 Do you have any questions about anything in paragraph 3?

8 THE DEFENDANT: Excuse me.

9 THE COURT: Any questions, sir?

10 THE DEFENDANT: No, sir.

11 THE COURT. All right. Paragraph 4 sets out the rights
12 that you are giving up by asking the Court to accept your plea.
13 Let me go over those with you.

14 By pleading guilty, you give up your right to plead not
15 guilty. The right to a speedy and public trial before a jury of
16 peers.

17 The right to the effective assistance of counsel at trial.
18 And obviously including the fact that if you could not afford
19 counsel, the right to have the court appoint one for you.

20 The right to be presumed innocent until guilt has been
21 established at trial beyond any reasonable doubt. The right to
22 confront and cross-examine witnesses that might be called
23 against you.

24 The right to compel or subpoena witnesses to appear and
25 testify on your behalf. Your right to testify yourself. Or if

1 you wanted, you could always choose to remain silent at trial.
2 And if you did, that silence could not be used against you.

3 Do you understand you give up each of those rights by
4 pleading guilty?

5 THE DEFENDANT: Yes, sir, I do.

6 THE COURT: Paragraph 5 talks about the applicability
7 of the sentencing guidelines. Those are the ones set out by the
8 United States Sentencing Commission. They apply to this case.
9 But it goes on to advise you that it will be the sentencing
10 court that determines your specific guideline range, and that
11 will occur at sentencing.

12 Remember I told you moments ago she has the authority under
13 the law to impose up to the maximum sentence. And certainly
14 under some set of circumstances, whatever sentence she gives you
15 could be different from or depart from whatever the applicable
16 guideline range calls for.

17 That court is not bound or restricted by any recommendation
18 regarding what sentence should be imposed or how the range is
19 calculated or estimated that is offered by you or by the
20 government or U. S. Probation.

21 And that you will not be allowed to withdraw from the plea
22 of guilty solely because of the sentence imposed by the court.
23 Do you understand?

24 THE DEFENDANT: Can that also go the other way? In
25 other words, can it go from the maximum to the minimum?

1 THE COURT: She can impose -- she has a range of
2 potential sentences that she can certainly impose. She may
3 depart from whatever the applicable guideline range calls for.
4 She has to give valid reasons for doing so. There may be other
5 consequences that flow as a result of that. But yes, you're
6 absolutely right.

7 THE DEFENDANT: Thank you.

8 THE COURT: Do you understand, sir?

9 THE DEFENDANT: Yes

10 THE COURT: In this case, Mr. Koplin, has anyone either
11 promised or guaranteed what exact sentence you will receive?

12 THE DEFENDANT: No.

13 THE COURT: Paragraph 7 talks about restitution. It
14 says you are to make restitution in an amount to be determined
15 with credit for any amounts already paid. That would be due and
16 payable immediately. But, of course, depending on the amount,
17 that might be payable with a schedule of payments that is set
18 out by U.S. probation as ordered by the court. Is that
19 understood?

20 THE DEFENDANT: It is. My question is simply if you
21 can't afford all of it now, that a schedule can be set up?

22 THE COURT: Yes.

23 THE DEFENDANT: Thank you.

24 THE COURT: Paragraph 8 contains the statement of
25 facts. These facts as set out here you are agreeing with the

1 government are true and correct. And basically they're here for
2 two reasons. One, for purposes of calculating the base offense
3 level under the sentencing guidelines and, two, because they
4 support your plea of guilty, and also for purposes of
5 restitution and forfeiture.

6 In other words, this is what you did that makes you guilty
7 of the offenses you're pleading guilty to. Have you reviewed
8 these statement of facts carefully? Have you reviewed the
9 facts?

10 THE DEFENDANT: Yes.

11 THE COURT. Are those facts are true and correct?

12 THE DEFENDANT: Pardon me?

13 THE COURT: Are these facts true and correct?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. Mr. Koplin, I'm not going to
16 review each and every single line there. However, at the end of
17 my questions, I'm going to ask either Ms. Miller or Mr. Miyake
18 to summarize what facts they'd be ready to prove, assuming they
19 had to take this matter to trial.

20 Let me now turn your attention to the bottom of page 5,
21 paragraph 9 that talks about the dismissal of count 3. Because
22 it says there that as part of this plea agreement, the United
23 States Attorney's office for the Western District of Washington
24 agrees to move to dismiss count 3 of the second superseding
25 indictment at the time of sentencing.

1 You're acknowledging, however, that for purposes of
2 preparing any presentence report, the U.S. Attorney's office
3 will provide U. S. Probation with evidence of all relevant
4 conduct committed by you.

5 And you also agree that the charge to be dismissed is based
6 on facts. In other words, it will not provide you with any
7 basis for any future claims as a prevailing party under the Hyde
8 Amendment. Do you understand?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Paragraph 10 talks about other charges. It
11 says the U.S. Attorney's office in return for your pleas here,
12 and assuming you live up to all these conditions you've agreed
13 to, agrees not to prosecute you for any other offenses other
14 than any crimes of violence which you may have committed within
15 the Western District of Washington prior to the date of this
16 agreement and about which the government presently has
17 information of or about which you provide information pursuant
18 to this agreement to cooperate. Do you understand?

19 THE DEFENDANT: Yes.

20 THE COURT. Paragraph 11 talks about Utah charges. It
21 says the U.S. Attorney's office for the Western District of
22 Washington agrees pursuant to Federal Rule of Criminal Procedure
23 20 to accept a conditional plea of guilty to the charges of
24 manufacture of child pornography, count 1, possession of child
25 pornography, count 2, as charged in the District of Utah Central

1 Division in the cause number 202CR0427TC. Is that your
2 understanding?

3 THE DEFENDANT: Yes.

4 MR. FILIPOVIC: Your Honor, if I may just address that
5 paragraph very briefly? These charges would be before the Court
6 as well if the Rule 20 paperwork had already gone through. But
7 because of a trial date on Monday, we added this language in
8 this plea agreement and we're deferring actually entering the
9 plea until that process is completed.

10 It's contemplated by the parties, however, that sentencing
11 would commence on both matters at the same time. And it's also
12 contemplated by the parties that the conditional nature of this
13 plea also applies to the Utah charge, even though the
14 suppression hearing wasn't actually heard under that cause
15 number.

16 It's the parties' understanding that if we were to prevail
17 on the suppression issues or issue, that Mr. Koplin would then
18 be allowed to withdraw his plea on both sets of charges.

19 THE COURT: Is that the government's understanding?

20 MS. MILLER: That's correct, Your Honor.

21 THE COURT: Thank you, Mr. Filipovic. Paragraph 12,
22 Mr. Koplin, talks about your right to appeal. Pursuant to the
23 Federal Rules of Criminal Procedure, you agree with the
24 government that you reserve the right to appeal the specific
25 issues raised in the pretrial motion to suppress evidence and

1 custodial statements, and the various issues raised in your
2 memorandum supporting those motions that were denied by order of
3 the court on November 21st, 2002. Is that your understanding?

4 THE DEFENDANT: Yes.

5 THE COURT: Under paragraph 13, you agree to forfeit
6 immediately to the government any right, title and interest in
7 any and all property, real or personal, that was used or
8 intended to be used in any manner or part to commit or
9 facilitate the commission of the offenses charged in counts 1
10 and 2.

11 And that includes, there is a list of items here, currency,
12 a '99 Dodge Grand Caravan, various certain items of jewelry.
13 Talks about other property seized, books, videos, looks like
14 sexual aids, et cetera. Do you understand?

15 THE DEFENDANT: Yes.

16 THE COURT: You're also agreeing not to pursue any
17 claim to any of the listed property in any civil forfeiture
18 proceeding, administrative or judicial, that could be initiated.
19 Is that your agreement?

20 THE DEFENDANT: Yes.

21 THE COURT: Paragraph 14 deals with the voluntariness
22 of this plea. Kind of brings me back to where we began the
23 hearing this afternoon about your counsel's role, about the fact
24 this has to be your decision.

25 Let me ask you the question this way. In this case, has

1 anyone threatened you in any way or made any promises to you
2 other than the ones contained in this agreement and the ones
3 we've put on the record that were made to induce you to change
4 your pleas from not guilty to ones of guilty?

5 THE DEFENDANT: No.

6 THE COURT: You're doing this, then, of your own free
7 will?

8 THE DEFENDANT: Yes.

9 THE COURT. 15 talks about the statute of limitations.
10 That is the formal time period the government has in which they
11 must bring charges for any specific criminal activity.

12 This says in the event this agreement is not accepted by the
13 court, for whatever reason, or in the future you breach or you
14 violate any of these terms, then that time frame, that statute
15 of limitations will be deemed to have been tolled or frozen,
16 stopped from running from the date of the plea agreement to
17 either 30 days following the date of nonacceptance of the
18 agreement by the court or 30 days following the date on which a
19 breach of the agreement by you is discovered by the U.S.
20 Attorney's office. Do you understand?

21 THE DEFENDANT: I do.

22 THE COURT: The final paragraph says you and the
23 government acknowledge these terms make up the entire plea
24 agreement of the parties. In other words, there are no other
25 terms, no other conditions, no other deals you're making with

1 the government

2 And the final two sentences indicate this agreement only
3 binds the U.S. Attorney's office for the Western District of
4 Washington. It does not bind any other U.S. Attorney's office,
5 any other office or agency of the United States, any other state
6 or local prosecutor. Do you understand?

7 THE DEFENDANT: Yes.

8 THE COURT: Mr. Koplin, let me have you now turn back
9 to the statement of facts. And I believe they begin at the
10 bottom of page 4 and then most of page 5. Let me ask either Ms.
11 Miller or Mr. Miyake just to briefly summarize what facts they
12 would be ready to prove, assuming they had to take this matter
13 to trial. Counsel.

14 MS. MILLER: Your Honor, if this case were to proceed
15 to trial, the government would be relying upon the following
16 facts. On June 6th, the Kent police were notified by Child
17 Protective Services that the defendant Edward Darrell Koplin had
18 traveled from Salt Lake City to the Kent, Washington, area with
19 an unrelated 11-year-old female.

20 On that same day, the Kent place went to the Marriott Town
21 Place Suites Hotel and verified that Koplin was, in fact,
22 staying in the room. Upon making contact with Koplin, they
23 discovered an 11-year-old girl inside of his hotel room.

24 Koplin consented to a search of his room. And during that
25 search, they found numerous sexual aids, to include several

1 paperback books titled Horse Happy School Girl, Sex Before 12,
2 and Animals for Bizarre. They also sound several packages of
3 Viagra.

4 The defendant was placed under arrest and was taken to the
5 Kent correctional facility where he was advised of his Miranda
6 rights by Kent detectives. There Koplin agreed to speak with
7 the detectives where he detailed his relationship with the 11-
8 year-old female.

9 During the interview, the defendant admitted to inserting
10 his finger in her anus while in Kent, Washington. And also that
11 he had shown her oral sex by using his tongue to stimulate her
12 vagina.

13 The defendant agreed though he enticed the 11-year-old girl
14 to travel from Salt Lake City, Utah, to Kent, Washington, with
15 the intent to engage in sexual activity with her.

16 THE COURT: Thank you, counsel Mr. Koplin, she has
17 just briefly summarized what is contained in greater detail in
18 that statement of facts.

19 MR. FILIPOVIC: Your Honor, if I may just briefly
20 interject? Just one comment Ms. Miller made, she referred to
21 the search being a consent search, which is not in the statement
22 of facts set forth in the plea agreement. That is actually one
23 of the issues that will be litigated in the appeal.

24 So, assuming that fact is removed from the summary, I think
25 it tracks pretty directly the facts.

1 THE COURT: With that change, Mr. Koplin, you agree
2 that the rest of the facts are true and correct? In other
3 words, the issue of whether or not the search was consensual is
4 the one you are litigating.

5 THE DEFENDANT: That is what our suppress understanding
6 is all about.

7 THE COURT: I understand. Aside from that. Let's
8 leave one that aside for the moment. I'm not asking you to
9 agree or disagree that it was or was not consensual. We'll
10 leave that to another forum, another day, another court.

11 THE DEFENDANT: Thank you. Then it's yes.

12 THE COURT: Aside from that, do you agree these facts
13 are true and correct?

14 THE DEFENDANT: Yes.

15 THE COURT: Mr. Koplin, I assume you are a citizen of
16 the United States?

17 THE DEFENDANT: Yes.

18 THE COURT: You understand that when you plead guilty
19 to felony criminal charges, you lose valuable civil rights? You
20 lose the right to vote, you lose the right to sit on a jury, you
21 lose the right to run for elected office, you lose the right to
22 own, to possess or exert any control over any type of firearm,
23 any other destructive device? That includes all ammunition.

24 THE DEFENDANT: I didn't understand that, but I
25 understand it now.

1 THE COURT: Do you understand that those rights are
2 lost forever unless until if you become eligible at some point
3 in the future, you return to court and you ask the court, a
4 court of competent jurisdiction, to restore one or more of those
5 rights? In other words, they just don't come back
6 automatically.

7 THE DEFENDANT: Okay.

8 THE COURT: Understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: Sir, do you have any questions for your
11 counsel, for the government or for me about anything we've
12 reviewed, discussed, anything at all that deals with the entry
13 of pleas to these two counts?

14 THE DEFENDANT: Do you want me to stand? Does it
15 matter?

16 THE COURT: I'm just asking do you have any questions.

17 THE DEFENDANT: I do have.

18 MR. FILIPOVIC: If, Your Honor, if I may just have a
19 moment?

20 THE DEFENDANT: I'm sorry.

21 MR. FILIPOVIC: Your Honor, if I can summarize your
22 question for you. Mr. Koplin's concern was if he were to
23 prevail on the appeal and then were to prevail at a subsequent
24 trial, whether this guilty plea would then be essentially gone,
25 there would be no finding of guilty. And I've advised him that,

1 in fact, that is true. If those two events occurred, then the
2 guilty plea would no longer exist and the conviction would no
3 longer exist.

4 THE COURT. That is correct, Mr. Koplin. It's a
5 conditional plea. Do you understand?

6 THE DEFENDANT: Yes.

7 THE COURT. Do you have any questions, then, other than
8 that?

9 THE DEFENDANT: Yes, I understand.

10 THE COURT: Any other questions?

11 THE DEFENDANT: A million but not here today.

12 THE COURT: All right. Then tell me how you'd like to
13 plead for our record to the two counts. Count 1 being coercion
14 and enticement, violation of Title 18. Count 2 being
15 transportation of a minor, also in violation of Title 18. How
16 would you like to plead?

17 THE DEFENDANT. Guilty.

18 THE COURT. Mr. Filipovic, is there any legal reason
19 you can think of why this Court should not accept his plea?

20 MR. FILIPOVIC: No, Your Honor.

21 THE COURT: Counsel, I agree. After the question and
22 answer session, I am quite satisfied Mr Koplin understands the
23 nature of the charges, the elements of those offenses, the
24 rights that he gives up by pleading guilty and the potential
25 consequences of the entry of this plea.

1 After reviewing the plea agreement in detail, the court is
2 satisfied that the offenses charged here are, in fact, supported
3 by an independent basis in fact containing each of the essential
4 elements of that offense. And most importantly, the Court is
5 satisfied that his pleas of guilty are made knowingly, willingly
6 and are voluntary.

7 The Court has signed the report and recommendation
8 recommending he be adjudged guilty and have sentence imposed.

9 Madam Clerk, do we have a sentencing date scheduled for him?

10 THE CLERK: We do. Sentencing is scheduled before
11 Judge Rothstein on January 24th, 2003, at 9:30 a.m.

12 THE COURT: Mr. Koplin, as a result of this particular
13 hearing, I'm ordering that presentence reports be prepared for
14 the benefit of the sentencing judge. Your counsel will do one,
15 the government will do one from their perspective. United
16 States Probation does an independent report.

17 That means a probation officer will contact you about
18 setting up a date for an interview. That interview may very
19 well be in the presence of your counsel if you wish.

20 THE DEFENDANT: Okay.

21 THE COURT: Once they reduce it to writing, they'll
22 make it available for you to review. Go over it carefully
23 because if there is anything in there that you think is wrong or
24 that you object to, for whatever reason, let Mr. Filipovic know.

25 THE DEFENDANT: Okay.

1 THE COURT: That gives him the ability to attempt to
2 correct whatever portions you point out or at the very least
3 submit objections to those portions in time for the sentencing
4 judge to review prior to the actual sentencing date. Do you
5 understand?

6 THE DEFENDANT: Yes.

7 THE COURT: Finally today, do you have any questions
8 for me before we recess or we conclude this particular hearing?

9 THE DEFENDANT: Not today, sir. Thank you.

10 THE COURT: Counsel, if there is nothing further, we'll
11 be at recess.

12 MR. FILIPOVIC: I have one question for the Court.
13 Since we expect to be coming back here with another plea
14 agreement on the Utah matter. Would Your Honor wish to hear
15 that, even if there was a different duty magistrate, so there be
16 some consistency?

17 THE COURT: I think that makes sense. Once we get the
18 paperwork on the Rule 20 Utah matters, then you'll appear again
19 before me and we'll do the plea on that one.

20 THE DEFENDANT: Very good, sir. Thank you.

21 THE COURT: We'll be in recess.

22 THE DEFENDANT. Thank you.

23 (At 3:37, court was in recess.)

24

25

CERTIFICATE

I, Susan Palmerton, court reporter for the United States District Court in the Western District of Washington at Seattle, was present in court during the foregoing matter and reported said proceedings stenographically.

I further certify that thereafter, I, Susan Palmerton, have caused said stenographic notes to be transcribed via computer, and that the foregoing pages are a true and accurate transcription to the best of my ability.

Dated this 2nd day of December, 2002.



Susan Palmerton